



## CITY OF SAN JOSÉ, CALIFORNIA

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City Clerk

STATE OF CALIFORNIA)  
COUNTY OF SANTA CLARA)  
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28673**", the original copy of which is attached hereto, was passed for publication of title on the **17<sup>th</sup> day of November, 2009**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **1<sup>st</sup> day of December, 2009**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,  
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **1<sup>st</sup> day of January, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **2<sup>nd</sup> day of December, 2009**.

(SEAL)

LEE PRICE, MMC  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 28673****AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE NORTH SIDE OF FORD ROAD, APPROXIMATELY 550 FEET EASTERLY OF MONTEREY ROAD, FROM R-1-1 SINGLE-FAMILY RESIDENCE DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT**

**WHEREAS**, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

**WHEREAS**, the area encompassed by the subject proposed rezoning was the subject of a Mitigated Negative Declaration (MND) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on November 5, 2009, under File No. PDC09-022, which determination has not been challenged, protested or appealed; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to A(PD) Planned Development Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves said MND prior to taking any approval actions on this project.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as A(PD) Planned Development. The base zoning district of the subject property shall be the A - Agriculture Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Ford & Monterey Housing," **last revised September 28, 2009.**

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

**SECTION 2.** The district map of the City is hereby amended accordingly.

**SECTION 3.** The land development approval that is the subject of City File No. PDC09-022 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

**PASSED FOR PUBLICATION** of title this 17<sup>th</sup> day of November, 2009, by the following vote:

AYES: CHIRCO, CHU, HERRERA, KALRA, LICCARDO,  
NGUYEN, PYLE, REED.

NOES: OLIVERIO.

ABSENT: CAMPOS, CONSTANT.

DISQUALIFIED: NONE.

ATTEST:

  
\_\_\_\_\_  
LEE PRICE, MMC  
City Clerk



\_\_\_\_\_  
CHUCK REED  
Mayor

**LEGAL DESCRIPTION**

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

THAT PORTION OF LAND DESCRIBED IN THE INSTRUMENT (STATE INSTRUMENT NUMBER 115 OF SANTA CLARA ROUTE 2, SECTION E) TO THE STATE OF CALIFORNIA RECORDED ON MAY 17, 1945, IN VOLUME 1264 AT PAGE 64, OFFICIAL RECORDS OF SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF THAT LAND DESCRIBED IN THE INSTRUMENT (STATE INSTRUMENT NUMBER DD-000115-01-01) TO PACIFIC REAL ESTATE INVESTMENT TRUST, A CALIFORNIA TRUST, RECORDED ON MARCH 22, 1989, IN INSTRUMENT NUMBER 10047036, OFFICIAL RECORDS OF SANTA CLARA COUNTY; BEING ALSO A POINT IN THE NORTHWESTERLY LINE OF THAT LAND DESIGNATED AS SEGMENT 10 AS SHOWN ON THAT CERTAIN MAP ENTITLED "RELINQUISHMENT IN THE COUNTY OF SANTA CLARA", FILED FEBRUARY 6, 1986 IN STATE HIGHWAY MAP BOOK NO. 7, PAGE 124, IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY; THENCE ALONG THE GENERAL EASTERLY LINE OF SAID LAND DESCRIBED IN SAID STATE INSTRUMENT NUMBER DD-000115-01-01, THE FOLLOWING SIX COURSES: NORTH 51° 54' 46" WEST, 215.45 FEET, ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 40.00 FEET, THROUGH AN ANGLE OF 63° 05' 16", AN ARC LENGTH OF 44.04 FEET, NORTH 11° 10' 30" EAST, 95.67 FEET, NORTH 28° 53' 24" WEST, 295.00 FEET, ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 30.00 FEET, THROUGH AN ANGLE OF 90° 00' 00", AN ARC LENGTH OF 47.12 FEET, AND NORTH 61° 06' 36" EAST, 113.00 FEET TO THE MOST EASTERLY TERMINUS OF THAT 261.42 FOOT LINE DESCRIBED IN LAST SAID LAND; THENCE ALONG THE GENERAL NORTHERLY LINE OF SAID LAND DESCRIBED IN SAID STATE INSTRUMENT NUMBER 115, THE FOLLOWING FOUR COURSES: SOUTH 28° 53' 24" EAST, 310.01 FEET; ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, THROUGH AN ANGLE OF 70° 15' 04", AN ARC LENGTH OF 61.31 FEET; NORTH 80° 51' 32" EAST, 205.96 FEET; AND ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 200.00 FEET, THROUGH AN ANGLE OF 30° 46' 22", AN ARC LENGTH OF 107.42 FEET TO SAID NORTHWESTERLY LINE OF LAND OF SAID SEGMENT 10; THENCE ALONG LAST SAID LINE SOUTH 37° 14' 53" WEST, 502.22 FEET TO THE POINT OF BEGINNING.

APN: 678-53-004